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August 19, 2020

BY ECF

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 1395
New York, NY 10007

Re: Nelson v. City of New York, 18 Civ. 4636 (PAE) (SDA)

Dear Judge Engelmayer:

This Office represents Defendants Rocky Etienne, Antonio Fonseca, Anthony Willingham, James Tedesco, Joseph Ware, Sergio Sayers, Phillip Detraglia, and Gregory Stovall, each of whom is a current or former employee of the New York State Department of Corrections and Community Supervision (“DOCCS”), in the above-referenced action. I write on behalf of all Defendants, and with Plaintiff’s consent, and pursuant to the Court’s May 18, 2020 Order (ECF #117), to respectfully request a sixty (60) day extension of the stay of this case from August 24, 2020 until October 24, 2020.

The reason for the request is that the parties are continuing to grapple with the COVID-19 pandemic, which presents particular difficulties in the context of the present case. The parties have conferred regarding potential methods for conducting depositions, including remotely by videoconference; but remote depositions present an especially cumbersome option in this case, which involves three sets of counsel, and many anticipated deponents employed in correctional facilities, in which there are already extensive demands upon the limited videoconferencing equipment available. All counsel also continue to work remotely, and it remains unclear when counsel for the State and City Defendants will be allowed to return to our respective offices. The parties are also in the process of exploring settlement -Plaintiff has made a settlement demand, and Defendants are evaluating whether settlement is a viable option.

The Defendants accordingly respectfully request, with Plaintiff’s consent, that the Court continue the stay in effect for an additional sixty-days. This is the third request for a stay of this

action. The two prior requests were granted. (ECF #115, 117). Thank you for your time and consideration in this regard.

Respectfully yours,

/s/
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cc: Jeffrey Rothman, Esq. (by ECF)
Omar Siddiqi, Esq. (by ECF)

Granted. The case is stayed until October 24, 2020. At that point, the parties are to file a joint letter advising the Court of proposed next steps in the case. The parties should not expect a further such extension.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

August 19, 2020